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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Jason Crews,

10 Plaintiff,

11 v.

12 Tanpri Media & Arts Incorporated, *et al.*,

13 Defendants.  
14

No. CV-23-01236-PHX-JJT

**ORDER**

15  
16 At issue are *pro se* Plaintiff Jason Crews's "Motion for Costs of Service of Elizabeth  
17 Beauvil" (Doc. 18) and Motion for Leave to File Amended Complaint (Doc. 19).  
18 Defendants filed no responses.

19 In the first Motion (Doc. 18), Plaintiff requests under Federal Rule of Civil  
20 Procedure 4(d)(2) that the Court impose on Defendants the expenses Plaintiff incurred in  
21 serving Defendants after they failed to sign and agree to waivers of service requested by  
22 Plaintiff. Defendants did not respond or attempt to demonstrate good cause for their failure  
23 to agree to waive service.

24 Under the Rule, the Court must apportion the expenses Plaintiff incurred per  
25 Defendant, and not impose costs on all Defendants jointly and severally. Although Plaintiff  
26 titles his Motion as one for "service of Elizabeth Beauvil," the contents of the Motion only  
27 detail Plaintiff's efforts to serve Defendant Tanpri Media & Arts Inc. and Defendant  
28 Matthew Capozzoli. (Doc. 18.) Separating Plaintiff's expenses as to each of these

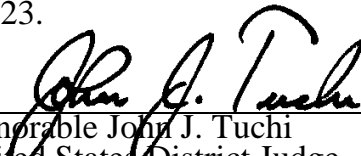
1 Defendants, Plaintiff shows he incurred expenses of \$575.90 in serving Tanpri, and  
2 \$226.60 in serving Capozzoli. The Court will therefore order that these Defendants pay  
3 these amounts to Plaintiff.

4 In the second Motion (Doc. 19), Plaintiff seeks the Court's leave under Federal Rule  
5 of Civil Procedure 15(a)(2) to file a Second Amended Complaint to allege additional facts  
6 in his existing claims against Defendants, namely, additional calls Plaintiff received that  
7 he claims violated the Telephone Consumer Protection Act. Defendants have not opposed  
8 Plaintiff's request to amend. The Court finds amendment is in the interest of justice and  
9 will grant the Motion.

10 **IT IS THEREFORE ORDERED** granting in part Plaintiff's "Motion for Costs of  
11 Service of Elizabeth Beauvil" (Doc. 18). Defendant Tanpri Media & Arts Inc. shall pay  
12 Plaintiff the amount of \$575.90, and Defendant Matthew Capozzoli shall pay Plaintiff the  
13 amount of \$226.60, under Federal Rule of Civil Procedure 4(d)(2).

14 **IT IS FURTHER ORDERED** granting Plaintiff's Motion for Leave to File  
15 Amended Complaint (Doc. 19). Plaintiff shall file a clean copy of the amended pleading  
16 on the docket by October 20, 2023, with the title "Second Amended Complaint."

17 Dated this 10th day of October, 2023.

18   
19 Honorable John J. Tuchi  
20 United States District Judge  
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